



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): November 13, 2020

ORM Number: MVP-2020-01599-EJW

Associated JDs: N/A

Review Area Location¹:

State/Territory: MN City: Corcoran County/Parish/Borough: Hennepin County

Center Coordinates of Review Area: Latitude 45.095879 Longitude -93.545522

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream A	0.12 acres	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	The nearest a(1) water is the Mississippi River located approximately 11.29 miles to the east. The nearest a(2) water is South Fork Rush Creek approximately 0.45 miles north of the site. South Fork Rush Creek drains into the Mississippi River and while Stream A continues offsite to the north, aerial imagery from 1940-2019 show that Stream A lacks a surface connection to South Fork Rush Creek or any other potential waters of the U.S.(WOUS). Aerial imagery from 1940 shows Stream A flow to a wetland that does not appear to be adjacent to any WOUS. Therefore Stream A does not contribute surface flow directly to an a(1) water and does not meet the definition of a tributary under the NWPR and is not a WOUS.
Wetland 1	0.89 acres	(b)(1) Non-adjacent wetland	Wetlands 2A, 2B, and 3 are surrounded by uplands as confirmed by the LiDAR contours. While Wetland 1 is adjacent to Stream A, Stream A does not meet the definition of a tributary, therefore Wetland 1 does not meet the definition of an adjacent wetland under the NWPR. Wetlands 2A, 2B, and 3 also do not meet the definition of an adjacent wetland therefore, Wetlands 1, 2A, 2B, and 3 are not WOUS.
Wetland 2A	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 2B	0.5 acres	(b)(1) Non-adjacent wetland	
Wetland 3	0.43 acres	(b)(1) Non-adjacent wetland	

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Corcoran Delineation July 2020.

This information (is and is not) sufficient for purposes of this AJD.

Rationale: The information was sufficient to show that Wetlands 2A, 2B, 3, and Swales 1-4 were not WOUS, but aerial imagery was needed to determine if Stream A had a surface water connection to an a(1) water to the north which also determined that Wetland 1 was not an adjacent wetland..

___ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

☒ Photographs: (*aerial*) Hennepin County GIS 1940, MHAPO 1962, 1965, 1971, and Google Earth 1991-2019

___ Corps Site visit(s) conducted on: *Date(s)*.

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: Hennepin County Soil Survey

☒ USFWS NWI maps: USFWS National Wetlands Inventory

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 X USGS topographic maps: 1:24K Hamel

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A

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